


ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Blake Thomas
Director

CITY COUNCIL TRANSMITTAL


Lisa Shaffer, Chief Administrative Officer

Date Received: 02/11/2022
Date sent to Council: 02/11/2022

TO: Salt Lake City Council
Dan Dugan, Chair

DATE: February 10, 2022

FROM: Blake Thomas, Director, Department of Community & Neighborhoods



SUBJECT: PLNPCM2021-01033 Homeless Resource Center and Homeless Shelter Text Amendments

STAFF CONTACT: Nick Norris, Planning Director, nick.norris@slcgov.com or 801-535-6173

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council consider the recommendation from the Planning Commission to deny the proposal to prohibit homeless resource centers and homeless shelters by removing the uses from the land use tables in the CG, D2, and D3 zoning districts.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: This proposal was initiated by Mayor Erin Mendenhall in October 2021. The initiation included three parts:

1. Prohibit new, future homeless shelters or homeless resources centers in all zoning districts in the city.
2. Modify the conditional use standards for homeless shelters or homeless resource centers, and
3. Distinguish between temporary overflow shelters and permanent shelters and homeless resources centers that operate year-round and potentially allow temporary overflow homeless shelters in certain zones.

This transmittal only includes part 1. Parts 2 and 3 are in the engagement process and will be going to the Planning Commission in the coming months. They are not part of this proposal.

Part 1 would remove homeless resource centers and homeless shelters from the land use tables by deleting the “C” (indicating a use is a conditional use) in the land use tables for the CG General Commercial, D2 Downtown Support, and D3 Downtown/Warehouse Residential Zoning Districts. If approved, homeless resource centers and homeless shelters would not be allowed in any zoning districts in the city. The uses also include a footnote to a qualifying provision that follows each land use table. The footnote references a provision in Utah Code that has been removed from Utah Code by the Utah Legislature. The footnote would be deleted as part of this proposal.

This proposal includes some changes to Zoning Ordinance section 21A.36.350. The purpose of these changes is to ensure that the existing regulations would apply to existing homeless resource centers. The current language says that it applies to conditional uses. If the conditional use is removed, then this wording needs to change so it would still apply. This section is likely to be modified during part 2 of this proposal.

The City initiated the pending ordinance rule with this petition. The pending ordinance rule allows a city to hold any application for a homeless resource center or homeless shelter for a period of 180 days pending a change in city code. This applies to any application that is submitted starting on the day the petition is initiated. The petition was initiated on October 4, 2021. The 180-day period expires on April 2, 2022. If the proposal or a modified version of the proposal is adopted by April 2, 2022, any application that is submitted during the 180 period would be denied because a homeless resource center and homeless shelter would no longer be allowed. Alternatively, if a modified version is adopted, an application that complied with the modified version may be processed and an application that did not comply would be denied. If no changes are adopted by the 180-day deadline, the existing regulations go back into effect, and any open applications would be processed under the current regulations.

In November 2021 the City Council adopted a motion that initiated a petition that asked the administration to review and come back with recommendations for “prohibiting temporary shelters until other jurisdictions in Salt Lake County permit them.” The initiation request from Mayor Mendenhall and this one from the City Council are directly related to what would be the same provisions in city code. Therefore, it is challenging to separate each request into a different proposal. This proposal (to remove the uses from the land use table) does accomplish the City Council request because it would prohibit any future shelter or resource center until such time as the City Council adopts new regulations for either permanent or temporary shelters. If this proposal is adopted, it does not prohibit the City Council from initiating temporary land use regulations but would prevent any other entity from submitting a conditional use for either a permanent or temporary/season shelter.

PUBLIC PROCESS: The proposed changes were outlined in a public information document and made available to the public on November 16, 2021. A notice was sent to all registered, recognized community organizations via email on the same date. This started the 45-day public engagement period required by city code. The 45-day public engagement period ended on January 1, 2022. This date only identifies the end date of the 45-day engagement period and public input is still being accepted.

During the 45-day period a group of community councils hosted a virtual public forum where the proposal was discussed, and people had the opportunity to ask questions. Information about the number of attendees has not been provided to the Planning Division as of the date of this transmittal. A transcript of the questions that were submitted through the Q/A function of the virtual meeting platform has also not been provided. The questions and comments submitted indicated a mixed level of support. Some people were in support of part 1 of the proposal, while others felt that removing the uses without a more solid proposal to allow the uses in the future was harmful to those experiencing homelessness. In the opinion of the Planning Division, most people supported the idea of updating the process and the regulations, but they don't want to harm the people without homes, the service providers, or the surrounding community.

Two written comments were submitted to the Planning Division prior to the production date of the staff report. The comments came from a group of community councils and from The Road Home. Those comments can be found in the Planning Commission staff report.

The Planning Division also met with homeless service providers to discuss the proposal on January 4, 2022. The service providers are concerned that removing the uses jeopardizes their ability to take advantage of available resources that can help provide services and are concerned that changes to the regulations will make it more difficult for the providers to shelter the homeless. A summary of that meeting is also discussed in the Planning Commission staff report.

On January 6th, the community hosted a similar community forum in Spanish. This forum was essentially the same as the one held on December 16th. The forum was moderated, and questions and answers were provided by a Spanish speaking staff member of the Community and Neighborhoods Department. A transcript has not been provided to the Planning Division, but similar questions and issues were raised during this forum as were raised in the December 16th forum.

The Planning Commission held a public hearing on January 12, 2022. The public hearing was posted on the Planning Division website, the Utah Public Notice website, and shared through the Planning Division email listserv. No entities have requested mailed notice of this proposal and no mailed notice was provided. Service providers were provided with an email notice of the hearing. Written comments were provided to the Planning Commission and several people spoke during the public hearing. The comments were mixed and ranged from support for the proposal to opposition to the proposal. The minutes of the Planning Commission meeting are linked in this document and provide a summary of the comments made. One underlying theme of the public comment was the need to act quickly to have an updated process to allow homeless resource centers in the city. Some encouraged the process to spread the uses throughout the city, while others supported the uses to be proximate to needed services. After the public hearing, the Planning Commission was also mixed on the proposal and debated the right direction to go. The Commission ended up adopting a motion to reject part one of the proposal, primarily because they were concerned there was no timeline established to replace the conditional use process.

Planning Commission (PC) Records

- a) [PC Agenda of January 12, 2022](#) (Click to Access)
- b) [PC Minutes of January 12, 2022](#) (Click to Access)

c) [Planning Commission Staff Report of January 12, 2022](#) (Click to Access Report)

EXHIBITS:

- 1) Project Chronology
- 2) Notice of City Council Public Hearing
- 3) Original Petition
- 4) Public Comment Received after Planning Commission Staff Report was Published

SALT LAKE CITY ORDINANCE
No. _____ of 2022

(An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pertaining to homeless resource center and homeless shelter text amendments)

An ordinance amending various Sections of Title 21A of the *Salt Lake City Code* pertaining to homeless resource center and homeless shelter text amendments pursuant to Petition No. PLNPCM2021-01033.

WHEREAS, on October 4, 2021, Mayor Erin Mendenhall (the “Mayor”) initiated a petition, Petition No. PLNPCM2021-01033, to consider, among other things, a text amendment to the *Salt Lake City Code* to prohibit new future homeless shelters or homeless resources centers in all zoning districts in the city;

WHEREAS, the Mayor initiated the petition pursuant to City ordinance, thereby, invoking the pending ordinance doctrine recognized by Utah Code Section 10-9a-509 to prohibit new homeless shelters and homeless resource centers in the city;

WHEREAS, the Salt Lake City Planning Commission (the “Planning Commission”) held a public hearing on January 12, 2022 to consider the aforementioned portion of the request initiated by the Mayor to amend the Salt Lake City Code to prohibit new homeless shelters and homeless resource centers within the city; and

WHEREAS, at its January 12, 2022 hearing, the Planning Commission voted to forward a negative recommendation on the proposal related to the petition before it; and

WHEREAS, the Salt Lake City Council desires, for the time being, to prohibit new homeless shelters and homeless resource centers; and

WHEREAS, the Salt Lake City Council finds, after holding a public hearing on this matter, that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Subsection 21A.33.010.C.

That Subsection 21A.33.010.C of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

C. Uses Not Permitted: Any use not specifically permitted or conditionally permitted in the table of permitted and conditional uses for the specific zoning district is prohibited. Only uses listed as a “P” or a “C” in the table of permitted and conditional uses for a district shall be allowed where designated.

SECTION 2. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended to modify only the following rows in the table which shall read and appear in that table as follows:

21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

USE	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Homeless Resource Center							
Homeless Shelter							

SECTION 3. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That the “Qualifying Provisions:” of Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended to remove qualifying provision number “21” and designate qualifying provision 21 as “reserved” as follows:

Qualifying Provisions:

21.[Reserved.]

SECTION 4. Amending the Text of *Salt Lake City Code* Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended to modify only the following rows in the table which shall read and appear in that table as follows:

21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

USE	D-1	D-2	D-3	D-4
Homeless Resource Center				
Homeless Shelter				

SECTION 5. Amending the Text of Salt Lake City Code Section 21A.33.050. That the “Qualifying Provisions:” of Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended to remove qualifying provision number “15” and designate qualifying provision 15 as “reserved” as follows:

Qualifying Provisions:

15. [Reserved].

SECTION 6. Amending the Text of Salt Lake City Code Subsection 21A.36.350.A and the title of section 21A.36.350. That Salt Lake City Code Subsection 21A.36.350.A and the title of Section 21A.36.30 shall be and hereby is amended to read as follows:

21A.36.350: REGULATIONS FOR HOMELESS RESOURCE CENTERS AND HOMELESS SHELTERS:

A. A homeless resource center or homeless shelter-located within the city shall comply with the following regulations. Any homeless resource center or homeless shelter approved as a conditional use shall comply with these regulations and the requirements of the approved conditional use.

SECTION 7. Amending the Text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Definitions of Terms) shall be and hereby is amended to modify the definition of “homeless resource center” and “homeless shelter” which shall read and appear as follows:

HOMELESS RESOURCE CENTER: An establishment in which co-located supportive services such as sleeping, bathing, eating, laundry facilities, and housing case management is provided on an emergency basis for individuals experiencing homelessness. Additional services may include preparation and distribution of food; medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and vocational training.

HOMELESS SHELTER: An establishment in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness.

SECTION 8. Effective Date. This Ordinance shall take effect immediately after it has been published in accordance with Utah Code §10-3-711 and recorded in accordance with Utah Code §10-3-713.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2022.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2022.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: <u>1/31/2022</u>
By: <u><i>Hannah Vickery</i></u>
Hannah Vickery, Senior City Attorney

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE
No. _____ of 2022

(An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pertaining to homeless resource center and homeless shelter text amendments)

An ordinance amending various Sections of Title 21A of the *Salt Lake City Code* pertaining to homeless resource center and homeless shelter text amendments pursuant to Petition No. PLNPCM2021-01033.

WHEREAS, on October 4, 2021, Mayor Erin Mendenhall (the “Mayor”) initiated a petition, Petition No. PLNPCM2021-01033, to consider, among other things, a text amendment to the *Salt Lake City Code* to prohibit new future homeless shelters or homeless resources centers in all zoning districts in the city;

WHEREAS, the Mayor initiated the petition pursuant to City ordinance, thereby, invoking the pending ordinance doctrine recognized by Utah Code Section 10-9a-509 to prohibit new homeless shelters and homeless resource centers in the city;

WHEREAS, the Salt Lake City Planning Commission (the “Planning Commission”) held a public hearing on January 12, 2022 to consider the aforementioned portion of the request initiated by the Mayor to amend the Salt Lake City Code to prohibit new homeless shelters and homeless resource centers within the city; and

WHEREAS, at its January 12, 2022 hearing, the Planning Commission voted to forward a negative recommendation on the proposal related to the petition before it; and

WHEREAS, the Salt Lake City Council desires, for the time being, to prohibit new homeless shelters and homeless resource centers; and

WHEREAS, the Salt Lake City Council finds, after holding a public hearing on this matter, that adopting this ordinance is in the city’s best interests.

LEGISLATIVE DRAFT

27 NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

28 SECTION 1. Amending the Text of Salt Lake City Code Subsection 21A.33.010.C.

29 That Subsection 21A.33.010.C of the *Salt Lake City Code* shall be and hereby is amended to
30 read as follows:

31 C. Uses Not Permitted: ~~Any use specifically listed without a "P" or a "C" designated in the table~~
32 ~~of permitted and conditional uses for a district shall not be allowed in that zoning district. Any~~
33 ~~use not specifically permitted or conditionally permitted in the table of permitted and conditional~~
34 ~~uses for the specific zoning district is prohibited. Only uses listed as a "P" or a "C" in the table of~~
35 ~~permitted and conditional uses for a district shall be allowed where designated.~~

36 SECTION 2. Amending the Text of Salt Lake City Code Section 21A.33.030. That Section
37 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional
38 Uses for Commercial Districts) shall be and hereby is amended to modify only the following rows in the
39 table which shall read and appear in that table as follows:

40 **21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR**
41 **COMMERCIAL DISTRICTS:**

USE	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Homeless Resource Center						C²¹	
Homeless Shelter						C²¹	

42
43 SECTION 3. Amending the Text of Salt Lake City Code Section 21A.33.030. That the
44 “Qualifying Provisions:” of Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables:
45 Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended to
46 remove qualifying provision number “21” and designate qualifying provision 21 as “reserved” as follows:

47 **Qualifying Provisions:**
48 ~~21. Subject to conformance with the provisions of section 21A.36.350 of this title, the City may~~
49 ~~not prohibit construction of a homeless resource center or homeless shelter if the site is~~
50 ~~approved by and receives funding through the State Homeless Coordinating Committee, with~~
51 ~~the concurrence of the Housing and Community Development Division within the Department~~
52 ~~of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.~~

53
54 21.[Reserved.]
55

LEGISLATIVE DRAFT

56 SECTION 4. Amending the Text of Salt Lake City Code Section 21A.33.050. That Section
57 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional
58 Uses for Downtown Districts) shall be and hereby is amended to modify only the following rows in the
59 table which shall read and appear in that table as follows:

60 **21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN**
61 **DISTRICTS:**

USE	D-1	D-2	D-3	D-4
Homeless Resource Center		€ ¹⁵	€ ¹⁵	
Homeless Shelter		€ ¹⁵	€ ¹⁵	

62 SECTION 5. Amending the Text of Salt Lake City Code Section 21A.33.050. That the
63 “Qualifying Provisions:” of Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables:
64 Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended to
65 remove qualifying provision number “15” and designate qualifying provision 15 as “reserved” as follows:

67 Qualifying Provisions:
68 ~~15. — Subject to conformance with the provisions of section [21A.36.350](#) of this title, the City may~~
69 ~~not prohibit construction of a homeless resource center or homeless shelter if the site is~~
70 ~~approved by and receives funding through the State Homeless Coordinating Committee, with~~
71 ~~the concurrence of the Housing and Community Development Division within the Department~~
72 ~~of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.~~

73
74 15. [Reserved].
75

76 SECTION 6. Amending the Text of Salt Lake City Code Subsection 21A.36.350.A
77 and the title of section 21A.36.350. That Salt Lake City Code Subsection 21A.36.350.A and
78 the title of Section 21A.36.30 shall be and hereby is amended to read as follows:

79 **21A.36.350: QUALIFYING PROVISIONS REGULATIONS FOR HOMELESS**
80 **RESOURCE CENTERS OR AND HOMELESS SHELTERS:**

81 A. A homeless resource center or homeless shelter located within the city shall comply with the
82 following regulations. Any homeless resource center or homeless shelter approved as a
83 conditional use shall comply with these regulations and the requirements of the approved
84 conditional use. ~~may be allowed as a conditional use, as identified in [chapter 21A.33](#), "Land Use~~
85 Tables", of this title pursuant to the provisions of [chapter 21A.54](#), "Conditional Uses", of this title
86 and the requirements of this section
87

LEGISLATIVE DRAFT

88 SECTION 7. Amending the Text of Salt Lake City Code Section 21A.62.040. That Section
89 21A.62.040 of the *Salt Lake City Code* (Definitions of Terms) shall be and hereby is amended to modify
90 the definition of “homeless resource center” and “homeless shelter” which shall read and appear as
91 follows:

92 **HOMELESS RESOURCE CENTER:** ~~An establishment building or portion thereof~~ in which co-
93 located supportive services such as sleeping, bathing, eating, laundry facilities, and housing case
94 management is provided on an emergency basis for individuals experiencing homelessness.
95 Additional services may include preparation and distribution of food; medical care and
96 treatment; behavioral and mental health counseling; employment counseling; educational
97 instruction, and vocational training.

98
99 **HOMELESS SHELTER:** An establishment in which sleeping accommodations are provided on
100 an emergency basis for individuals experiencing homelessness. ~~Any homeless shelter that began~~
101 ~~operation on or before January 1, 2016, may operate year round in accordance with section 10-~~
102 ~~9a-526 of the Utah Code.~~

103
104 SECTION 8. Effective Date. This Ordinance shall take effect immediately after it has been
105 published in accordance with Utah Code §10-3-711 and recorded in accordance with Utah Code §10-3-
106 713.

107
108 Passed by the City Council of Salt Lake City, Utah this _____ day of
109 _____, 2022.

110
111 _____
112 CHAIRPERSON

113 ATTEST:
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115 _____
116 CITY RECORDER

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119 Transmitted to Mayor on _____.

120
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122 Mayor’s Action: _____ Approved. _____ Vetoed.

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LEGISLATIVE DRAFT

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MAYOR

CITY RECORDER

(SEAL)

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office</p> <p>Date: _____</p> <p>By: _____ Paul C. Nielson, <i>Senior City Attorney</i></p>

134 Bill No. _____ of 2022.
135 Published: _____.
136

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4. MAILING LIST

1. PROJECT CHRONOLOGY

Petition: PLNPCM2021-01033

October 4, 2021	Petition initiated by Mayor Erin Mendenhall. Notice of pending ordinance invoked by the city, starting 180-day decision making period.
October 6, 2021	Internal meeting to discuss how to proceed with the proposal and what sections of the zoning code may be impacted.
October 21, 2021	Internal meeting to discuss community engagement.
October 26, 2021	Internal meeting to discuss expectations for this project.
November 2, 2021	Internal meeting to review draft proposal.
November 4, 2021	Internal meeting to discuss potential legal issues with the proposal.
November 16, 2021	Notice and information sent to all recognized organizations starting the 45-day public engagement period.
December 13, 2021	Presentation to Sugar House Community Council Land Use Committee
December 16, 2021	Virtual community forum hosted by recognized organizations.
December 29, 2021	Public notice for January 12, 2022 Planning Commission public hearing sent to Division list serve, posted on city website, and posted on Utah Public Meeting website. Property posted with sign advertising public hearing.
January 3, 2022	Meeting with service providers to discuss the proposal.
January 6, 2022	Virtual community forum hosted by recognized organizations held in Spanish.
January 12, 2022	Planning Commission public hearing.

2. NOTICE OF CITY COUNCIL HEARING

The Salt Lake City Council is considering Petition **P:NPCM2021-01033** – A petition initiated by Mayor Erin Mendenhall to amend the Salt Lake City Zoning Code by removing Homeless Resource Centers and Homeless Shelters as conditional uses from the land use tables for the CG General Commercial, D-2 Downtown Support, and D-3 Downtown Warehouse/Residential Zoning Districts, modifying 21A.33.010 to clarify when listed land uses are prohibited, modifying the applicability section of 21A.36.350 Qualifying Provisions for Homeless Resource Centers and Homeless Shelters, and modifying the definitions of homeless resource centers and homeless shelters in 21A.62. The City Council may consider modifications to other related sections of the code as part of this proposal.

DATE: **Date #1 and Date #2**

TIME: **7:00 p.m.**

All persons interested and present will be given an opportunity to be heard in this matter. This meeting will be held via electronic means, while potentially also providing for an in-person opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. If you are interested in participating during the Public Hearing portion of the meeting, please visit the website www.slc.gov/council/virtual-meetings/ or call 801-535-7654 to obtain connection information.

Comments may also be provided by calling the 24-Hour comment line at (801)535-7654 or sending an email to council.comments@slcgov.com. All comments received through any source are shared with the Council and added to the public record.

If you have any questions relating to this proposal or would like to review the file, please call Nick Norris at 801-535-6173 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at nick.norris@slcgov.com

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to participate in this hearing. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com , 801-535-7600, or relay service 711.

3. ORIGINAL PETITION



Petition Initiation Request

Planning Division
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Mayor Mendenhall

From: Nick Norris, Planning Director

Date: October 4, 2021

CC: Rachel Otto, Chief of Staff; Blake Thomas, CAN Director; file

Re: Initiating an amendment to Title 21A, the Zoning Ordinance, to prohibit new, future permanent homeless shelters or homeless resource centers in all City zones; to review and modify the conditional use permit standards for homeless shelters or homeless resource centers; and to distinguish between temporary overflow homeless shelters during the winter months and permanent homeless shelters and homeless resource centers.

This memo is to request that you initiate a petition for the Planning Division to begin the process of amending the zoning ordinance to prohibit new, future permanent homeless shelters or homeless resource centers in all City zones; to review and modify the conditional use permit standards for homeless shelters or homeless resource centers; and to distinguish between temporary overflow homeless shelters and permanent homeless shelters and homeless resource centers.

Salt Lake City, and more specifically, certain districts in the City, bear a higher burden than other municipalities in the State to provide shelter and services to the State's homeless population.

To ensure that the City is carefully addressing the location and type of shelters and services in the City, the Planning Division requests that a petition to amend City Code 21A, the Zoning Ordinance occur, resulting in the preparation of a land use ordinance to:


1. Prohibit new, future permanent homeless shelters or homeless resource centers in all zones in the City;
2. Modify the conditional use permit standards for homeless shelters or homeless resource centers; and
3. Distinguish between temporary overflow homeless shelters and permanent homeless shelters and homeless resource centers that operate year-round, and potentially allow temporary overflow homeless shelters in certain zones.

The Planning Division may declare application of the "pending ordinance rule", which is established in Utah Code Section 10-9a-509 as a means of prohibiting certain uses for up to 180 days from the time a land use regulation petition is initiated. The 180-day period is intended to give the municipality time to get the petition through the

planning commission and city council processes. The adoption process of the resulting ordinance will include review and recommendation by the Planning Commission prior to a review and decision by the City Council.

If you have any questions, please contact me.

Concurrence to initiating the zoning map amendment petition as noted above.


Erin Mendenhall (Oct 4, 2021 16:17 MDT)

Erin Mendenhall, Mayor

10/04/2021

Date






Mayor Petition Initiation Request Homeless Shelters

Final Audit Report

2021-10-04

Created:	2021-10-04
By:	Vivian Saumure (vivian.saumure@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzFBXIEj7wky9xUqIW8GSdfivpXnGsD9

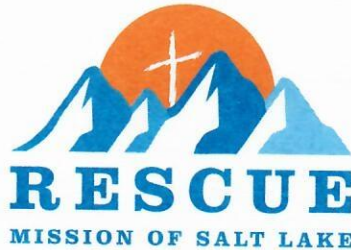
"Mayor Petition Initiation Request Homeless Shelters" History

-  Document created by Vivian Saumure (vivian.saumure@slcgov.com)
2021-10-04 - 10:15:47 PM GMT- IP address: 204.124.13.222
-  Document emailed to Erin Mendenhall (erin.mendenhall@slcgov.com) for signature
2021-10-04 - 10:16:13 PM GMT
-  Email viewed by Erin Mendenhall (erin.mendenhall@slcgov.com)
2021-10-04 - 10:16:59 PM GMT- IP address: 136.36.225.245
-  Document e-signed by Erin Mendenhall (erin.mendenhall@slcgov.com)
Signature Date: 2021-10-04 - 10:17:17 PM GMT - Time Source: server- IP address: 136.36.225.245
-  Agreement completed.
2021-10-04 - 10:17:17 PM GMT



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**4. PUBLIC COMMENT RECEIVED AFTER PLANNING
COMMISSION STAFF REPORT PUBLISHED**



January 12, 2022

Salt Lake City Corporation
451 South State Street, Room 406
Salt Lake City, Utah 84114-5480

RE: PLNPCM2021-01033

Dear Salt Lake City Council and Planning Commission,

Thank you for the concern and care expressed for the needs of all residents of Salt Lake City to address zoning codes pertaining to homeless service providers. The Rescue Mission of Salt Lake is proud to be a resident of the City and has worked, often in conjunction with the City, for the past 50 years to provide emergency services and an in-patient recovery program for our homeless population. This mutually beneficial relationship has resulted in countless homeless people restoring their lives and re-entering society as fully productive citizens. The success experienced in the lives of citizens of Salt Lake is threatened by the current proposal before the Planning Commission. In addition to joining in with the comments submitted to the Planning Commission by The Road Home, the Rescue Mission respectfully submits the following requests and concerns in connection with Item 1 of the proposed ordinance to withdraw homeless service as a permitted use in the current zoning areas and strip away current conditional uses in other zones.

The Rescue Mission's first request is that the Planning Commission not forward a recommendation to the City Council to approve Item 1 of the proposed ordinance. Removing homeless service permitted and conditional uses effectively prevents service providers from planning ahead to meet current and expanding needs. Data from the National Association to End Homeless indicate that as both population and population density increase, the number of people experiencing homelessness as a per capita of ten thousand increases. Salt Lake City is experiencing both a population increase and an increase in population density, thus a corresponding increase in the number of people experiencing homelessness is expected to increase.

Slowing or effectively blocking ongoing plans will damage the City and result in a greater number of people living on the streets of Salt Lake City. This would in turn increase Salt Lake City costs and overall burden in addressing homeless issues well into the future.

Second, the Rescue Mission believes that the proposed changes would damage its access to private funding sources. The Rescue Mission as well as other homeless services providers work with private foundations and donors who are looking to invest in homeless services in our community. The Rescue Mission is unique, however, in that, as a faith-based organization, it does not receive any public funding and instead is entirely reliant on the donation of private funds. Private donors are looking for assurances that the projects and services in which they invest are likely to be viable prior to their commitment to fund. Peeling away permitted and conditional use of current zoning, without replacement zoning ordinances, makes the outcome of any proposed project completely uncertain and is likely to result in the loss of private funding. Put in practical terms, if Item 1 of the proposed ordinance is adopted, the Rescue Mission would not be able to campaign for donations to purchase new land or expand as it would be unable to identify any particular parcel or cast vision as to the type of facility that would be constructed to service the homeless community, because the Rescue Mission could not even represent that it would be able to obtain zoning approval for the project. At times these funds take years to acquire and once approved many are funded annually. The loss of these funds could result in decreased funding from private sources through 2023 or longer. This would undoubtedly put a further burden on Salt Lake City and be detrimental to the homeless community.

Third, with respect to the above-mentioned concern, if the Planning Commission recommends approval to remove permitted use, the Rescue Mission requests that a time limit or sunset clause of ninety to one hundred and twenty days be included in the recommendation to reapply the current ordinances if the intended overlay is not completed. If the past two years has demonstrated anything it is that life and events are unpredictable. Homeless services are a vital part of the fabric of our community and classified as essential services. Putting an open-ended moratorium on homeless services providers meeting current and future needs may increase the number of people experiencing homelessness and exponentially increase issues related to homelessness. Zoning codes related to homeless services deserves thoughtful study in building a better community for all City residents. A delay in establishing a new overlay of zoning codes would result in current and future needs not being met and could result in further exacerbating the homeless service crisis in Salt Lake City.

Fourth, the Rescue Mission requests consideration be given to existing homeless services organizations that have a demonstrated record of success, such as the Rescue Mission, and that already operate within the City to relocate within the City or to expand onto adjacent or nearby properties. As our community grows and expansion or redevelopment is needed, it may be prudent to relocate an existing facility to better serve all residents of Salt Lake City. Proposed changes to the zoning code or removing current codes with nothing to replace them could prevent current providers from relocating, for the betterment of all, or expanding to meet increasing needs, both of which would hinder our community and increase the burden on the City.

Lastly, the Rescue Mission requests that if the Planning Commission recommends that the Salt Lake City Council adopt Item 1, the Planning Commission recognize the requirements of federal law and condition any such recommendation upon the exemption of faith-based organizations from the proposed ordinance. Under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), the government may not enact a land use regulation that:

- (1) imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—
 - (A) is in furtherance of a compelling governmental interest; and
 - (B) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C. 2000cc(a) (2000).

Further, “religious exercise” is explicitly defined to include “the use, building, or conversion of real property for the purpose of religious exercise.” 42 U.S.C. 2000cc-5(7)(B). In addition, RLUIPA provides that a land use regulation is prohibited when it “unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.” 42 U.S.C. 2000cc((b)(3)(B).

The Rescue Mission of Salt Lake is grateful Nick Norris, Director of Planning Office and Andrew Johnson, Office of the Mayor, Salt Lake City, correctly noted on January 4th, 2022 during a video conference with Homeless Service Providers that the Rescue Mission of Salt Lake is a faith based service provider and that as a church / association of churches providing homeless services as an expression of such faith would be exempt from proposed ordinance Item 1, if enacted. The Rescue Mission requests that this protection be recognized in the ordinance in order to alleviate the dampening effect on fundraising that its passage would otherwise create.

It is with respect and our fifty-year history of being a privately funded faith-based organization striving to create a better community for all residents of Salt Lake City, that we share these concerns and set forth our request.

Sincerely,



Rev. Chris D. Croswite, MCS
Executive Director



January 9, 2021

TO: Salt Lake City Planning Commission

FROM: Judi Short, First Vice Chair and Land Use Chair
Sugar House Community Council

RE: PLNPCM2021-01033 Zoning Text Amendment Regulations for Homeless Resource Centers
and Homeless Shelters

We are glad to have an opportunity to comment on this proposal. It is very clear to us that we need to be doing something, because what we are currently doing is not working. We do not want these to be an allowed use, or a conditional use, in any zone. If approved, this would make these a prohibited use. Later on we can decide they would be a conditional use in a very few zones.

We support the idea of updating the conditional use standards and regulations that are specific to homeless resource centers and homeless centers.

We like the idea of creating a different definition for a temporary overflow homeless shelter in the zoning code and allowing the use in some zoning districts.

While this process is happening, the current homeless resource centers and shelters can continue to operate. And, we think we like the idea of having an Overlay Zoning District to control where they are allowed to be located.

We only got a few comments on this, it was a difficult time over the holidays and the issues are complex. However, my comments above are very much in line with previous letters sent to you on homeless centers. (March 11.2017, see attached).

COMMENTS FROM SHCC REGARDING HOMELESS SHELTER TEXT AMENDMENTS

I may be reading this proposal wrong, as I did it fairly quickly, but here are my thoughts:

The Overlay District proposal seems to be a way to get any request for a Resource Center or Shelter to require a Zoning Text Amendment. It would not allow new Resource Centers or Shelters in any district any more as a conditional use so therefore not at all any more.

I like the new requirements for any new Resource Center or Shelter as it includes all the stuff we wanted 5 (or more) years ago when they were first proposed.

The Overflow proposal also seems OK except for the use of an unused government building, with no limits on location, that I could discern. That might be problematic, though I think the Capitol when the Legislature is not in session is a great solution.

Hope this makes sense. We can't continue to have floating overflow shelters thrown together at the last second. Lynn Schwartz

Rebecca Davis

3:09 PM (3
hours ago)

to me

Judi, I am in support of item 1, prohibiting new homeless resource centers or shelters in Salt Lake City. It will provide the city with the ability to have more control over where these facilities are located in the city.

I look forward to learning more about items 2 and 3.

Thanks, Becky Davis

I guess I agree with the mayor's prohibition of new permanent shelters, since apparently there wasn't a way to require adequate screening of all issues before the big hubbub about the one proposed near the VOA site. But can you have homeless shelters with total elimination of problems rather than reduction?

With regard to 2 & 3, I have a lot of questions. Think it's a great idea to have Andrew J come to address the issue. With regard to the temporary shelter requirements, they would seem quite stringent and expensive depending. I wonder if there were really a lot of problems when there was the temporary shelter in the old DI building. If there were, I certainly wasn't aware, and I went to the area all the time.

I daresay you know if there were problems. Thea Brannon

It is too complicated for me as I am not acquainted with all the issues of the current rules or changes requested, etc. I have to trust that those on the city council have carefully studied the issue and this is the best current solution and that the rules if adopted are reversible in the future if the situation changes. I would like to know Amy Fowler's views.

I can voice my philosophy about the issue of homelessness. Resources should be provided by all shelters. Shelters should be dispersed in the city. Maybe Sugar House should have a shelter to spread the problem and wake people up to being a bit kinder and more human and willing to help. Other cities should provide shelters. West Valley is larger than SLC and yet they don't have one. It is a county and state issue and not just a city issue. State and county funds should come to SLC if other cities are not willing to proportionately share in the cost.

Every winter we have a crisis of getting people inside. There should be a plan in place as to where this will be and it should be done in the summer and just planned for.

What to do about those who don't want to come into a shelter in any weather. Many of these people are with mental health issues, fear of robbing what they have, abuse, PTSD, drugs etc. I am talking about those in the encampments in parks like Sugar House or the Jordan River Parkway. These people want to be outside with their community of neighbor campers who share a meal or protect their things. I think the city should have a sponsored campground which is much cheaper than a structure. It can have requirements for admittance, resident hosts, resources, Toilet and shower facilities, dish washing, student health clinic, policing and a place to build a warm fire. All much cheaper and acceptable than the current situation of encampments.. Community Volunteers can help, residents can clean and there can be green areas, trees, picnic tables. This is where some people feel safe and we should admit it. Homeless is a medical, social, poverty issue and there are many ways to help. Many will disagree with me but we know there are those who will not go to shelters, permanent or temporary. This issue should be addressed by those planning and developing rules for the homeless.

Suzanne S. Stensaas

March 11, 2017

TO: Salt Lake City Planning Commission

FROM: Judi Short, First Vice Chair and Land Use Chair
Sugar House Community Council



RE: PLNPCM2016-00910 Homeless Resource Centers Zoning Text Amendment

We have received this petition, and will attempt to try to address the issues. We had a meeting January 4 with about 300 residents and a number of city staff, including Mayor Biskupski. I have already sent in the email comments and comment cards I received from that meeting, directly to the Mayor's Office. This petition was the subject of our Sugar House Community Council (SHCC) Land Use and Zoning Committee (LUZ) meeting February 13, attended by 50 people, including neighbors, members of the SHCC, and members of the LUZ Committee. I have attached the attendance roster for that meeting (which is not complete) along with the comment cards received that evening. We posted your petition about the Conditional Use on our website, and the Simpson Avenue neighborhood has been reading and responding thoughtfully to the comments.

At the LUZ meeting, I was careful to explain that we were not talking about whether the Homeless Resource Center should go on Simpson, but rather in general about what conditions should be placed on these if they were granted a conditional use in any location in the city. We have had some good comments.

I have to say, after reading these comments, and listening to what the neighborhood has to say, we are not convinced that we have enough information about how these will function. City staff doesn't have much information either. How can we possibly recommend conditions that might be placed on the approval of such a facility in any Salt Lake City neighborhood, when it is impossible to predict what the impacts will be, until we understand more about how these will function?

The announcement for the four shelters was made on December 16, 2016. The city pulled out the Simpson Avenue site in February. A 200 bed site will be built somewhere in Salt Lake County, but not in Salt Lake City. Now it is three months since the initial announcement, and we know very little more about how these will operate than we first did in December. Our Executive Committee met with Shaleane Gee and Patrick Reimherr of Mayor McAdams staff and they also attended our February SHCC meeting to answer questions. We also met with Mark Harman of McKinney-Vento, Matt Mankovitch of the Road Home, spoke at our Sugar House Community Council meeting in February. We have done a lot of research.

We agree that there should be separate definitions for a Homeless Shelter, and a Homeless Resource Center. A Homeless Shelter can be a place for people to sleep, and store their belongings overnight, on an emergency basis. People can show up and be given a bed for the night. A Homeless Resource Center should be a place where homeless individuals can live for no more than 30-90 days. There should be a screening process to identify individual needs, such as substance abuse, mental health, current drug or alcohol levels, and no one with those needs is admitted, they should be referred to other agencies for that. (We leave this to the professionals to decide what these limits will be). Sleeping facilities, plus lockers or a place to store their belongings, and meals should be provided. Services provided should include job training, job assistance, day work, laundry, financial assistance, health screening, etc. They should include an email address, perhaps a regular mail address, and computer stations to read email and send out job applications. Day care should be provided on site for children of women and families, when the parents

are interviewing for jobs or getting counseling. These sites should always be a conditional use, in whatever zone they are allowed.

- **Conditions:** There should be a finite cap on the number of individuals living in the shelter at any given time.
- No one with a substance abuse problem or who sells drugs, should be admitted to the facility.
- Patrons should not be allowed to roam the neighborhood, which is what caused problems downtown. The drug dealers targeted the homeless who were drug addicts, or who might sell drugs for them.
- Tobacco must be consumed in the interior courtyard space designated for such, rather than out on the city streets in the neighborhood.
- A plan to maintain noise compliance.
- No queuing in the neighborhood, all queuing should take place inside the HRC.
- The city needs to have some police or zoning enforcement present at all times, so folks, or friends of the homeless, don't sleep in the alleys and hang out on the neighboring streets.
- There should be a way to enforce that trash or personal possessions, such as backpacks or sleeping bags, is not allowed to collect in the neighborhoods. Trash receptacles outside and within 500 feet of the building need to be emptied twice or more times per day, sidewalks should be swept clean.
- The building should be designed to meet all CPTED requirements.
- There needs to be a Community Oversight Committee, a separate one for each shelter. This committee would be made up of a member of the community council, the District CIU Police Officer, and others, that reports to the Shelter the Homeless Committee. No providers should be on this committee. This would be a place where community or clients can go to report a problem.
- Shelter the Homeless Committee would have the resources to solve problems or close the shelter down.
- There should be a well-organized system to see that all school age children get to and from school daily.
- Adjacent parking lots should be locked and fenced and inaccessible during evening and nighttime hours.
- There should be a masonry fence along interior walls, at a minimum of 6' tall. Property along the street needs a 3' see through fence and a landscape buffer.
- Trees should be planted along the street, and in the interior (exterior) courtyard to provide shade for patrons sitting outside .
- Playground facilities should be provided for shelters housing children.
- The building should be maintained in an acceptable fashion all the time.

We have concerns. First, we are not totally clear as to exactly how these HRCs would function. If we were, it would be easier to come up with conditions. We recommend that you work to completely design the activities and responsibilities of these HRCs, and not grant a conditional use until all those descriptors are in place and conditions can be responsibly placed on the facilities. Right now, this is a bit like whistling in the wind.

Second, these facilities should have enough funding. The budget should cover maintenance, upkeep, extra police officer shifts, and patrols to check the perimeter and surrounding areas regularly. You can't run a good facility with inadequate resources, and there should be a way that someone can raise an alarm and shut down a facility if resources are skimpy.

This is the beginning of a long process. You need to be working furiously to get all these questions worked out so you can design an adequate system.